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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,733	07/28/2003	Jun Iwasaki	240894US6	3800
22850	7590	09/07/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HOMAYOUNMEHR, FARID	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,733	<b>Applicant(s)</b> IWASAKI, JUN	
	<b>Examiner</b> Farid Homayounmehr	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1-20 have been examined.

### Information Disclosure Statement PTO-1449

1. No Information Disclosure Statement was submitted by the applicant.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-10, 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shurts (U.S. Patent No. 5,572,673, dated Nov. 5, 1996).

3.1. As per claim 1, Shurts is directed to an information communication device which supports information exchange and fostering of human relations (item 54 in Fig. 5 and associated text), comprising: a radio communication unit which transmits and receives radio communication data (col. 14, lines 16-30 describes item 54 in Fig. 5, capable of communication using radio); a metadata storage unit which stores metadata (col. 8 line 60 to col. 9 line 15 describes the security system of Shurts, which includes a system catalog. The system catalog, as defined in col. 6 lines 1-15 includes metadata); and a

Art Unit: 2132

central control unit which manages the storage of metadata in said metadata storage unit (the CPU, item 62 in Fig. 5 controls and manages the storage of all data in the system which includes metadata), wherein said central control unit partitions said metadata storage unit by security level and category, stores metadata received through said radio communication unit in an area matching in terms of security level and/or category, and, in response to an external access request, takes metadata out of a storage area matching in terms of security level and/or category and supplies the metadata (use of levels and categories to enforce access security is well-known in the art. Shrunt explains the enforcement of MAC rules using labels in col. 1, lines 52 to col. 2 line 5. Shrunt specifically defines security levels and categories in col. 4, line 55 to col. 5, line 51, and particularly in col. 5 lines 7-20. MAC rules are typically implemented in Operating Systems and allow secure storage and access of data based on the labels assigned to data).

3.2. As per claim 2, Shurts is directed to the information communication device according to claim 1, wherein said metadata is information in the form of metadata, equivalent to a log stating that the user visits a place and what the place is (Shrunt is directed to a secured database system and the purpose of databases is storing linked pieces of information such as the user, its visits and the visited place).

3.3. As per claim 3, Shurts is directed to the information communication device according to claim 1, further comprising: a user input unit for the user of the device to

Art Unit: 2132

write metadata directly into said metadata storage unit (col. 14 lines 5-15 describes a key which allows user enter user data).

3.4. As per claim 4, Shurts is directed to the information communication device according to claim 1, wherein said central control unit sets a higher security level for data transmitted through a relatively secure communication path and a lower security level for other transmitted data (as explained in col. 1 line 53 to col. 2 line 5, the more sensitive data gets a higher level or category. The more sensitive data is typically transmitted in the more secured transmission system).

3.5. As per claim 6, Shurts is directed to the information communication device according to claim 1, further comprising: a format setting unit which converts the format of metadata taken out of said metadata storage unit as requested by a requesting party (according to col. 5 lines 40 to 55, the database maybe queried using different languages, and therefore it is formed in the format requested by a requesting party).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shurts as applied to claims 1-4 and 6 above, and further in view of Timmer (U.S. Patent Application Publication No. 2002/0107895, filed Aug. 3, 2001).

5.1. As per claims 5 and 11, Shurts is directed to the information communication device according to claim 1, However, Shurts does not specify a virtual person growing means which grows a virtual person corresponding to the user based on the user's history information accumulated in said metadata storage unit, as Shurts is directed to a secured database management system, which is typically one of the major building blocks of information systems.

Timmer is directed to an interactive personalized book, which provides users with the ability to record and guide their own physical or emotional transformations over time, or collect and archive content that reflects a specific period of time of their lives. An on-line personal history diary, and evolution of personality and life style is possible (parag. 9). Also as shown in parag 29-30, Timmer's system supports, for example, a "MYLIFEBOOK" which reflects a personalization process corresponding to a person. As mention in parag 29, the personalization tool is interactive and matures as it collects more history data about the person.

Art Unit: 2132

Timmer uses databases in the system development as mentioned in paragraphs 19 and 25, therefore its system incorporates the art that is analogous to Shurts' art. Furthermore, Timmer stores personal data, which requires privacy protection. As mentioned in paragraph 2, Timmer uses a secured server and makes its data available over the Internet and via wireless systems. Therefore the skilled artisan that makes Timmer's system would be motivated to use Shurts' secured database system.

Therefore, it would have been obvious to a person skilled in the art to use Shurts' secured database management system in development of Timmer's system.

6. Claims 7-20 are substantially the same as claims 1-6 above, Note that Timmer supports exchanging emails and Shurts creates a bidirectional communication (col. 14 line 16-30), and therefore both are capable of receiving and transmitting data.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

Art Unit: 2132

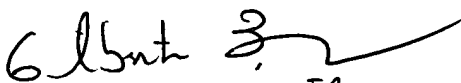
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

Art Unit: 2132

  
GILBERTO BARRON <sup>SR.</sup>  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100